“A DEMAND FOR AUTHENTIC DUE PROCESS”

Thursday, December 16th, 2010

To DCYF, Family Court, And All Agencies Concerned,

We write this letter a day after you have confirmed the validity of our doubts with regard to your "legal" proceedings, and have evidently declared, through your unconstitutional acts, your firm intention to continue to shun authentic legality.

For a year and a half (July 2009 to December 2010) we watched how each "trial" consisted of an average duration of around fifteen to twenty minutes (sometimes even less), in which we were not allowed to talk nor to present any evidence. The only three exceptions to these exceedingly brief legal theatricals were on 1) May 12th 2010, 2) October 28th 2010, and 3) December 8th 2010, when 1) the PANDA clinic pediatrician testified (May 12th),
2) the psychologist who had done the evaluations on our boys (October 28th), and
3) the CASEY social worker who regularly supervises our visits (December 8th).

The only three people who were able to testify were those who are on DCYF's (our opponent) side, and who are also partial towards our main accuser Ana Dickenson.

We were never allowed to speak, or to present evidence in all that time. Yet despite this great impediment placed on our ability for self-defense, by the very proceedings which according to law should guarantee that right, the judge of this court dared to state that the December 15th "trial" was the last trial, when we never got in a year and a half the chance neither to talk, nor to present any evidence!

She said that she would send within twenty days (from December 15th) a written record of all that had transpired during all the trials, and so reached no definitive decision, but instead said that whatever occurred would now depend on our cooperation with the terms dictated by our court opponent DCYF, whose allegations we never had the opportunity to refute. She also said that she would send her decision by mail!!

We have heard of the term "Kangaroo Court" before, but we think that what has just occurred to us definitely takes the trophy. Our experience with this court undoubtedly gives a deeper sense of what the term "mock proceedings" imply. But then again, this should come as no surprise, considering all the bizarre events that we have experienced since our children were taken away from us without an investigation in Spain, on the say so of Ana Dickenson who had called several agencies. Our situation from the very beginning was characterized by the constant evasion of our rights to authentic due process.

In Spain we applied for a lawyer, and provided all the necessary documentation on the first week of January 2009, yet we did not meet the lawyer for the first time until April 16th 2009. It took months to obtain a lawyer, despite everyone in Spain saying (including the lady who took our documentation when we applied for legal aid) that the average waiting time for a lawyer was twenty-one days.

When one considers that Ana called the DCYF Hotline on March 23rd 2009 to report us, and that DCYF began the necessary contacts to arrange the deportation of the boys in April 2009, by the time that we finally were appointed a lawyer he was virtually useless, because all the hidden dealings that would eventually impede a trial in Spain were already in place.

Our children were deported (or so we were told afterwards, but not directly by the Social Services of Mallorca) on May 14th 2009, barely a month after we first met with our lawyer. Though we did attend a June 10th 2010 trial in Spain, in which we heard it be said that if it were found that the boys were removed without cause, the Spanish court would petition the U.S. to return our boys, we were not able to pursue our case there.

In that trial we had our lawyer, and the opposing lawyer was the lawyer of the U.S. Consul of Mallorca, who was not present during the proceeding, but whose surprise court orders had made possible the removal of our sons without any investigation. The Consul kept in constant contact with Ana.

The opposing lawyer stated that the best reason for sending the children to Rhode Island was because they had "family" there. This statement in itself is very revealing, and reflects Ana's constant involvement in the tragic development of our situation, from the time before our sons were illegally taken away.

The opposing lawyer also spoke of "evidence" archived in the U.S. We know that Ana brought the FBI to what used to be our apartment, after she, her mother (also called Ana), and her younger sister Leticia Gonzalez, had been in that apartment alone on more than one occasion. However, despite the sophisticated level of fraud and trickery responsible for the creation of our sad situation, we do not understand how two children can be removed without an investigation in Spain, for something that supposedly occurred in Rhode Island, unless it were some type of crime that was committed in Rhode Island (which is not at all the case). We did not violate any law by moving, we did not pose a threat to anyone, and we had sufficient income to pay for our three bedroom apartment in Spain had our money not been interfered with.

We find it ridiculous, the charge made that we did not call Social Security to give the new information of our whereabouts (which we did for the first time in October 2008), as no one would open two bank accounts in Spain (one in Euros and another one in U.S. Dollars) if they had no expectation of receiving money. Equally strange was when we called the port in Barcelona, Spain which had our belongings, around the end of October/beginning of November 2008, and were told by them that they had received orders from New York City stating not to release our belongings to us.

When we questioned them on the origin of this request, they told us that they had no additional information. Later, when they said that we could take out our belongings, we lacked the funds to do so (our money had been cut off), and were never able to retrieve these valuable possessions to this very day.

Our children were taken away from us illegally, without an investigation on December 19th 2008, and we did not them again until January 21st 2009!

Everything seemed to unnecessarily prolong itself, a pattern which we have seen repeated here in the United States. After our sons were deported, we had to struggle for two months to find the necessary funds needed for returning. The first trial in Rhode Island was scheduled for July 16th 2009 in the Kent County Court house with a Judge Forte. We arrived at the Judicial Complex in Providence at around 9 to 9:30 AM on July 16th, only to be told after a considerable wait that the trial had already taken place. However, our experiences with trials that took place afterwards have shown us that these trials are never already over by 9:30 AM, unless July 16th 2009 was a one time exception. For even if almost each trial that we have had has only lasted a matter of minutes, we have almost always had to wait a long period of time just to be called into the court room.

We went to a September 24th 2009 trial (also in Kent County) in which Ana Dickenson was also present (though she did not speak), and during this proceeding our case was transferred to Providence.

Both of us were assigned separate lawyers, despite having had only one for the both of us in Spain. When we went for a free consultation with a lawyer here, to ask about this unusual procedure for a married couple, we were told that the judge usually orders separate lawyers when he has reason to believe that there is a potential for conflict between the couple. Of course, all this is quite understandable when one considers that Ana manipulates the DCYF social worker, who in turn manipulates the Family Court, and that

the purpose for Ana creating this whole situation (no matter how often it is denied) is to prolong it long enough, in order to not only erode our parental rights, but to create strain and strife within our marriage, so that we will divorce. That has been Ana (and her sister's) main obsession ever since we married, to see how she can get us to divorce. This goal only intensified for her after our sons were born, and she and her sister felt displaced.

If Ana was anticipating manipulating this agency to create a rupture in our marriage, each of us would already have our own lawyer to fight each other with.

From the beginning this court has shown itself to be shamefully unilateral, and consistently determined to violate our civil rights. It seems that the purpose of this whole trial has been to allow DCYF a means by which to violate our rights, while feigning due process, and to allow them enough time to implement all the measures that they planned to do with our sons, without our consent. While we have been waiting for a chance to present our evidence, our sons have been enrolled in a multitude of "services" against our will, and we have even been robbed of the right to decide how they will be educated, ever since an Educational Advocate was appointed for them on January 2010. This occurred despite a lengthy letter that we wrote protesting the decision.

There is, of course, as was just previously mentioned, the stress factor. If enough stressful situations can be created through their influence, the hope is that we will either divorce, or one of us (preferably the mother) will have a nervous breakdown to facilitate false labeling. Situations are created which would never exist on their own, in order to provoke certain reactions and/or behaviors that can then be conveniently twisted to suit the preferred perceptions that are compatible with DCYF's and Ana's agenda.

Since the September 24th trial in Kent County, the emphasis of every trial has been on us submitting ourselves to a psychological evaluation without allowing us to present any evidence, or to state our situation. Ana's very active role in the removal and deportation

of our sons is carefully downplayed and never mentioned in court. She is carefully protected by these agencies, who state that they are not concerned with the motives or past attitude (such as her accusing us falsely in December 2006) of the person who can rightfully be said to be the architect of this whole lunacy.

They are so busy trying to prove us (especially the mother) a "danger" to our children, to even care about wondering if they are danger with someone who has never loved them, and who is working so hard to destroy their parents' marriage.

The reality is that all of our marital problems have stemmed from the actions of the person who now has our children, and DCYF is merely an accomplice in destroying families while pretending to "help" them.

For a long time we have had to witness how both our intelligence and dignity have been insulted by these mock proceedings.

The following are among the unconstitutional behaviors which we have truthfully observed:

1) We are not allowed to speak to the judge directly, only our lawyers can, yet the DCYF worker Heather Fogg can speak directly to the judge without using her lawyer (even when he is present).

2) We never were allowed to present any documentation or evidence of any kind, yet Heather Fogg could freely present her papers as "evidence".

3) Anything which the DCYF worker asked was immediately granted (such as evaluations and certain "services" for our sons), yet we never were allowed to request anything, nor were our concerns ever heard.

4) We went to every trial (with the exception of three trials on October 28th, December 8th, and December 15th) with all our documents to serve as evidence, and were never allowed to present anything.

5) On one occasion all the lawyers and the court personnel (including the judge) were laughing and discussing politics while we stared bewildered at such unseemly behavior, only to be told after their lighthearted interlude of political opinions that we were to come back for another "trial"! We were in the court room that day for only around twenty minutes and lost our time only to listen to others discuss politics while our rights were undoubtedly mocked as well.

6) DCYF would portray in the court anything we believed in as "opinion" while insinuating that everything that they or Ana stated is "fact".

7) Trial dates were tailored to the convenience of the DCYF worker without any consideration to our schedule. DCYF would decide what direction the "trial" would take, if a witness of theirs could not come, they could reschedule the trial, but we were not even granted the ability to speak, much less the audacious flexibility of re-scheduling trials!

During the one and a half year of "trials", one of us (the mother of the boys) did not assist to three trials on October 28th 2010, December 8th 2010, and December 15th 2010 (which the judge all of a sudden decided would be the last "trial"!). The reasons for the absences for those trial dates are that on the first two absences a report was being worked on to refute the partial evaluations made on our sons, and the third absence was due to physical unwellness caused by a temporary physical condition.

During these three absences the other of us (the father of the boys) went, and was still not allowed to testify. So regardless of the absences, no due process for us had occurred.

The judge took advantage of the absence of one of us (the mother) to speak negatively of her, and to state that she was someone who never listens to anyone, and who is too rigid in her "opinions". Of course these statements are outrageous coming from a person, who during the course of a year and a half, never allowed the person whom she was criticizing

to present any evidence or to state her story. Since Constitutional Rights are a legal reality (a fact) in this country (despite the efforts to trample them), the fervent defense of those rights, accompanied by the refusal to submit oneself to questionable procedures and requests that can result in the nullification of those very rights, is not an "opinion" but the legal duty of every sane person who values their dignity. So by refusing to be stripped of one's rights, and by being uncooperative with oppressive measures, one is not being "too rigid in one's opinions", one is being conscious of one's rightful position within the legal framework of society.

If anyone has shown extreme rigidity in unfounded views, it has been DCYF and this court, who while denying our right to present evidence, self-boast of their supposed abilities in "helping" our sons, and speak of a non-existent progress in them. All this, while they praise the "care" that they have supposedly received at the hands of someone who hates them, and who has falsely accused us in the past.

To add insult to injury, the lawyer of the father of the boys told the father that he was wrong in listening to his wife (this is what the father stated to the mother after the trial). Here it is evident how not only due process is being denied, but how the seeds of division are being planted by trying to brainwash one parent and pit him against the other. The "divide and conquer" strategy is as old as history itself.

This somber circus finally ended yesterday, and with its abruptly judge-ordained completion (as was for so long anticipated by us) the final stamp of approval on the immoral injustices committed against us was placed. The "judge" (if she can be called that in a Constitutional sense) feels that we should blindly obey the mandates of DCYF who is our opponent in court, when her job was presumably to allow us to defend ourselves against their allegations!

What does this say about the importance that "equality under the law" has in such proceedings?

Since our children were illegally taken away from us two years ago, we have not been able to present our evidence, anywhere! Neither here nor in Spain! We have not been able to speak in any court! Yet we are unreasonably expected to sign away our rights, and submit to highly questionable procedures so that we can be labeled before even being heard, just as our children have already been labeled.

Surely in the face of all these verifiable occurrences, and with the evidence that we have, no one can rationally state that either of us is "paranoid" for saying that this court is rigged, and that this whole situation (from Spain to here in the U.S.) has been carefully engineered to strip us of our rights and to deny us the ability to present in an impartial atmosphere any evidence which may prove prejudicial to Ana.

When one ponders upon it with a clear head, who is more likely to harm a child?

A mother who has always loved the child, and who was even willing to die for her child at one time, or a person who has always shown animosity towards the same child, and who yearns for him to grow up in a broken home with divorced parents?

And these people dare to question one's rationality?!

The passionately one-sided view of all those who have chosen to involve themselves in a case which should have been tried in Spain (where the illegal removal of our sons took place), is the best example of discrimination masquerading as rationality, with only the convincing veneer of influence to give the unlawful credibility.

It is immoral and unconstitutional to insinuate that Ana can create a situation which has led to major negative disruptions in our boys' lives, as well as extreme suffering for others, and yet be considered beyond accountability, reproach, and even inquiry.

This blind attitude is even more dangerous when one considers the fact that she has our children. No matter how self-convinced certain professionals might be of her supposed "competency" and "good will", without any hard core impartial evidence to back it up, while refusing to even consider inquiry into her actions, and by denying our right to present any evidence which we have, their assertion is in reality nothing more than an influential hunch. The well being of children should not be at the mercy of hunches.

If strict standards of scrutiny are applied to someone who undeniably loves a child, and who has a very strong motive to long for that child's genuine well being, how can an absolute absence of those very standards exist for someone who does not love a child, and who has shown on numerous occasions that she does not desire that child's true well being?

Injustice is never rational, and obviously the situations that have been described more than amply confirm that.

The judge said that she would send information on what had occurred in each trial. Considering that in the majority of these trials absolutely nothing occurred, the report should be slim indeed. Furthermore, it must be said that we have yet to hear of a judge who sends their court verdicts through mail! Decisions are customarily read aloud in court, in the presence of both parties involved, after each of those parties have presented their case. Such is normal court behavior.

We had been told, after the child abuse charges made against us were dropped on the May 12th 2010 trial, and the trial was then changed to a "Special Needs" trial at the request of DCYF , that DCYF would present their case first and then we would have a chance to do likewise. But DCYF kept stalling, and it seemed that a substantial part of their "case" consisted in the evaluation that they were so fervently insisting for us, which of course only served to increase our wariness with regard to this procedure.

For if the strength of their case depended so much on its outcome, what was the probability that one would come out of it with a favorable review? They did not seem as if they were willing to be proven wrong.

The false labels heaped on our sons is perhaps the best warning against trusting these obviously dubious procedures.

Below are shown several of the Amendments which have been violated in our bizarre and lamentable case:

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

- [X] This means you CANNOT disparage a parent's choice of religion and use that in your creation of an abuse/neglect case.
- [X] It further means you CANNOT "gag order" a parent from seeking other parents, counselors, or advocates to network with
- [X] Nor can you demand parents to remove advertisements from newspapers, or posters, brochures or letters, or meet to strategize defenses or bring public attention to their cases.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

- [X] This means you CANNOT barge into somebody's home without a SEARCH WARRANT which must ALREADY BE signed by a judge on PROBABLE CAUSE and somebody's OATH that there is a REALLY GOOD reason to invade this family.
- [X] This means that an anonymous "Hot Line" call is NOT "Probable Cause"
- [X] This means that you have to SPECIFY exactly what you are looking for.
- [X] This means that you CANNOT just go into somebody's house on a "fishing expedition" for the purpose of LOOKING for ANYTHING to use to create a case against the family.
- [X] This also means that CHILDREN have the same rights against YOU as their parents and are entitled to the same Constitutional protections AGAINST you searching and seizing THEIR PERSONS without "Probable Cause".

This legal information was provided by the following site:

http://familyrightsassociation.com/social_work/law/

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

X This means you had better give people their Miranda Rights before you ask a single question.

X This means that you had better not THREATEN people to talk with you. You have no business threatening to TAKE THE KIDS if people refuse to SURRENDER their Constitutional Right NOT to talk with you.

X This also means you had better NOT snatch the kids unless they really have been deliberately PHYSICALLY injured.

X This means that KIDNAPPING THE CHILDREN from their parents and holding them hostage with their release CONTINGENT upon the parents "jumping through the hoops" of compelled "Parenting Classes", "counseling" with contractor "mental health clinicians" is DEPRIVING both the children and their parents of their lives, liberty, and property without "due process of law"

X You cannot PRETEND that KIDNAPPING a child from their own home is "in their best interest". If a REAL CRIME has been committed, the perpetrator should be the one removed.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

X This means that you had better tell people what the allegation is and inform them of their Miranda Rights and has Counsel present before you ask a single question.

X This means that the "Anonymous Tip" probably came from somebody USING YOU to destroy a person for reasons that have NOTHING to do with any child abuse. If the "tipster" doesn't have enough guts to make a REAL accusation in person, nothing they say is credible. The accused should NOT have to guess who made the accusation and what the "tipster's" true motive is.

X This means that you CANNOT HIDE EXCULPATORY EVIDENCE in order to KNOWINGLY prosecute an innocent person.

X This means that contrary to how it has been operating, the BURDEN OF PROOF is NOT on the accused to "prove a negative"- that NOTHING HAPPENED. And the "rubber stamp say-so" of the subjective OPINION of a mental health clinician is NOT EVIDENCE.

X This means that "second hand hear-say" information is NOT evidence.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

X Which means that THE PEOPLE HAVE ALL THE RIGHTS. CPS workers have NONE

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment XIV

Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

X From the FBI Color of Law Civil Rights Violations page-The Fourteenth Amendment secures the right to due process and the Eighth Amendment also prohibits the use of cruel and unusual punishment. In an arrest or detention context, these rights would prohibit the use of force amounting to punishment (summary judgment). *The idea being that a person accused of a crime is to be allowed the opportunity to have a trial and not be subjected to punishment without having been afforded the opportunity of the legal process.*

So now it has all ended as strangely as it had begun, and we sad wretches are left to bewail the loss of our Constitutional right to due process when it came to safeguarding our most precious asset… our children.

There is a difference between being hoodwinked, and having one's capacity for self-defense maimed, for it is only the latter who truly laments.

We also wish to state, in an attempt to clarify erroneous statements which the court said has been made, insinuating that we were somehow being investigated by DCYF prior to moving to Spain, that no one from DCYF had come to our house before we moved. The only time that we were investigated by DCYF was in December 2006 when Ana falsely accused us for the first time. At that time the investigation found that the allegations made against us were false, and we have evidence of this that we can present.

We will nevertheless, despite these setbacks, continue to pursue justice through ethical means, even though the treatment that we have received at the hands of others has not been ethical at all.

May our misfortunes serve to enlighten others with this thought:

"When justice is not safeguarded, democracy becomes a phantom".

Sincerely,